

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF THE EASTERN DIVISION OF OHIO

MENDI MILLER
5374 MORNING DRIVE
HILLIARD, OH 43026

v.

**UNITED STATES OF
AMERICA**
c/o **OFFICE OF THE
ATTORNEY GENERAL**
950 PENNSYLVANIA AVE. N.W.
WASHINGTON, D.C 20530

also serve:

**UNITED STATES
ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF OHIO**
303 MARCONI BLVD. SUITE 200
COLUMBUS, OHIO 43215

and

**UNSITEED STATES
POSTAL SERVICE
WASHINGTON D.C.
HEADQUARTERS**
475 LEFANT PLAZA S.W.
WASHINGTON, D.C. 20260

and

MATTHEW W. KULMA
5805 TUTTLES GROVE BLVD.
DUBLIN, OH 43016

Defendants.

Case No.: _____

Judge: _____

**JURY TRIAL DEMAND
ENDORSED HEREON**

COMPLAINT

I. JURISDICTION AND VENUE

1. This action arises under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-2680, which provides that the United States District Courts shall have “exclusive jurisdiction of civil actions on claims against the United States for money damages” and which vests exclusive subject matter jurisdiction of the Federal Tort Claims litigation in the Federal District Court.

2. Venue is proper in the Southern District of Ohio pursuant to 28 U.S.C. § 1402(b) because the negligent acts giving rise to the Federal Tort Claim alleged herein occurred within the Southern District of Ohio. Venue is proper specifically in the Eastern Division of this District because the negligent acts giving rise to the Federal Tort Claim alleged herein occurred in the Eastern Division of the Southern District of Ohio, specifically within Franklin County.

3. Pursuant to 28 U.S.C. § 2675(a), Plaintiffs presented a separate and individual administrative claim to the United States Postal Service. See Form-95 Submission, “*Exhibit 1.*” This claim was presented on or about September 22, 2021, more than six months from the current date. The United States Postal Service has failed to make a final disposition of this claim, and Plaintiff deems such failure to be a denial of the claim.

II. PARTIES

4. Plaintiff hereby incorporates by reference all above paragraphs as though fully set forth herein.

5. Plaintiff Mendi Miller (“Plaintiff”) is a natural person and United States citizen who, at all time relevant herein, resided in Franklin County, Ohio.

6. Defendant United States of America (“Defendant USA”), through its agency Defendant United States Postal Service (“Defendant USPS”) delivers mail and processing services in Franklin County, Ohio.

7. Upon information and belief, Defendant Matthew W. Kulma (“Defendant Kulma”) was an employee of Defendant USPS and/or Defendant USA at all relevant times herein and was negligently operating a vehicle for Defendant USPS as a part of his employment.

III. COUNT ONE - NEGLIGENCE

8. Plaintiff states that at all times relevant herein, is a citizen of the United States and she has been a resident of Franklin County, Ohio.

9. Upon information and belief, Defendant Kulma, at all times relevant herein, was an employee of Defendant USA, through its agency, Defendant USPS.

10. On or about January 25, 2020, at approximately 10:19 a.m., Defendant Kulma negligently operated a motor vehicle in the County of Franklin, State of Ohio, of the United States so as to cause a traffic crash, resulting in injuries to Plaintiff Miller (the “Incident”). Defendant Kulma was cited for the Incident.

11. Upon information and belief, at all times relevant herein, Defendant USA, through its agency Defendant USPS owned the vehicle negligently operated in the Incident.

12. Defendant Kulma operated a 1994 GMC that was self-insured by Defendant USPS during the Incident.

13. As a direct and proximate result of Defendant Kulma’s negligence, Plaintiff incurred injuries, causing her to incur reasonable and necessary medical expenses, trauma, pain, suffering, property damage, lost wages and will reasonably incur medical expenses and

14. At all times relevant, Defendant Kulma was an agent of Defendant USA, through its agency, Defendant USPS, and was acting with permission, and was an agent, to operate said vehicle.

IV. COUNT TWO – RESPONDEAT SUPERIOR

15. Plaintiff incorporates by reference all the above paragraphs as fully set forth herein.

16. At all time relevant herein, Defendant USA, through its agency Defendant USPS, provided mail delivery and processing services in Franklin County, Ohio in the United States.

17. Upon information and belief, Defendant Kulma was at all times relevant, acting within the course and scope of his employment and/or agency with Defendant USA through its agency Defendant USPS.

18. Therefore, Defendant Kulma's acts, negligent and otherwise, are imputed to his employer and/or principal, Defendant USA through its agency Defendant USPS through a theory of Respondeat Superior.

19. Upon information and belief, Defendant USA through its agency Defendant USPS has a duty to indemnify and to pay damages for any claims as a result of the negligent conduct of Defendant Kulma.

20. As a direct and proximate result of Defendant Kulma's negligence, and by virtue of Respondeat Superior, Defendants Kulma, and Defendant USA through its agency Defendant USPS are joint and severally liable to Plaintiff for all damages. Plaintiff incurred injuries, causing her to incur reasonable and necessary medical expenses, trauma, and pain, suffering, and will reasonably incur medical expenses and other forms of special and compensatory damages into the future.

V. COUNT FOUR - DISCOVERY

21. Plaintiff incorporates by reference all the above paragraphs as fully set forth herein.

22. Plaintiff further states that she hereby gives notice that she intends to present additional claims that may become available during the discovery proceedings in this case, and hereby reserves the right to amend their Complaint and assert such defenses and claims.

WHEREFORE, on all Counts plead herein, Plaintiff demands a money judgment for compensatory (both economic and non-economic) damages against all Defendants in the amount of \$73,769.45, or in the alternative in an amount reasonable and proper and commensurate with her losses plus interest; plus pre-judgment interest as provided by law, as well as any other relief to which she is entitled.

Respectfully submitted,
**LARDIERE MCNAIR DINICOLA
& STONEBROOK, LTD., LPA**

/s/ Chad M. Stonebrook
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JURY DEMAND

Plaintiff demands that a jury of eight (8) hear the within cause.

/s/ Chad M. Stonebrook

Darren A. McNair (0075073)

Chad M. Stonebrook (0089282)